

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 21, 22, 25-31, 34-39, 41, and 46-70 are currently pending. Claim 40 has been canceled without prejudice; Claims 21, 26, 27, 30, 35, 36, 38, 39, 49, and 51 have been amended; and Claims 61-70 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 21, 22, 25-31, 34-41, and 46-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,486,790 to Selinfreund et al. (hereinafter “the ‘790 patent”) in view of U.S. Patent No. 5,870,523 to Kikuchi et al. (hereinafter “the ‘523 patent”).

Amended Claim 21 is directed to a non-transitory storage medium having stored thereon data representing a stream of cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data, the content cells being linked in accordance with the navigation data, at least one of the cells of the stream being a reproduction obstructing cell physically stored before or after a linked content cell, said at least one reproduction obstructing cell forming part of said cells of the stream, wherein the content cells, at least one of said navigation data, and the at least one reproduction obstructing cell are arranged such that accessing the data on the storage medium in a copy mode, in which the content cells, the navigation data, and the at least one reproduction obstructing cell are to be copied from the storage medium onto a recordable record carrier and the content cells are not accessed according to said navigation data, provides disturbed data access of reduced quality, whereas accessing the data on the storage medium in a reproduction mode, in which the content cells are accessed according to said navigation data,

provides undisturbed access, wherein said at least one reproduction obstructing cell is arranged such that access in said reproduction mode includes navigating around said at least one reproduction obstructing cell when linked content cells are accessed, whereas access in said copy mode includes accessing linked content cells in addition to said at least one reproduction obstructing cell. The changes to Claim 21 are supported by the originally filed specification and do not add new matter.

Regarding the rejection of Claim 21 under 35 U.S.C. § 103(a), the Office Action asserts that the '790 patent discloses everything in Claim 21 with the exception of "... data representing a stream of cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data,"¹ and relies on the '523 patent to remedy those deficiencies.

The '790 patent is directed to a method for controlling access to a storage medium, wherein light sensitive material is adapted to change state and affect reading of the storage medium, so as to control access to data that is stored on the storage medium. In particular, the '790 patent discloses that a light-sensitive material is characterized by displaying at least two different optical states to an optical reader, the first optical state occurring prior to exposure to an activating radiation, and the second optical state occurring after exposure to the activating radiation. Thus, the '790 patent discloses that the light-sensitive material can be used to determine whether a CD, for example, is authentic, by scanning the CD for light-emitting regions, exposing the CD to light to cause a change in the state, followed by a subsequent scan for the light-emitting regions.

Further, the '790 patent discloses that the light-sensitive material may have a persistence, e.g., a time period in which the light-sensitive material remains in an altered state before changing to another state. Further, the '790 patent discloses that if the light-sensitive

¹ See page 5 of the outstanding Office Action.

materials are chosen so that their presence cannot be detected during a single read using oversampling, e.g., delay time is greater than the total read time including oversampling, the reader may be directed to reread the same area of the medium a short time after the initial read, and the light sensitive material may have changed state.²

However, the Office Action admits that the '790 patent fails to disclose a stream of cells in which the cells are addressable units of the stream, the stream comprising content cells and navigation data, as recited in Claim 21.

Further, it follows that the '790 patent fails to disclose a stream of cells in which the cells are addressable units of the stream, the stream comprising content cells and navigation data, and at least one of the cells of the stream being a reproduction obstructing cell physically stored before or after a linked content cell, the at least one reproduction obstructing cell forming part of the cells of the stream, as recited in amended Claim 21.

Applicants respectfully submit that the '790 patent is silent regarding a reproduction obstructing cell being an addressable unit of the stream, as required by Claim 21. The light sensitive material 21 disclosed by the '790 patent in Figures 2 and 3 is not an addressable unit of a stream of cells, as required by Claim 21.

Further, Applicants respectfully submit that the '790 patent fails to disclose that the content cells, the navigation data, and the at least one reproduction obstructing cell arranged such that access in the data on the storage medium in a copy mode (in which the content cells, the navigation data, and the at least one reproduction obstructing cell are to be copied from the storage medium onto a portable record carrier and the content cells are not accessed according to the navigation data) provides disturbed data access of reduced quality, as recited in amended Claim 21. In particular, Applicants note that the Office Action cites to column 14, lines 6-16 in the '790 patent regarding the copying of data from a storage medium.

² See the '790 patent, column 9, lines 6-12.

However, that passage in the '790 patent discloses that if the disk is copied the light sensitive materials 21 may not be copied and thus the copied version of the data will be uninstallable, unreadable, or otherwise unusable.³ On the contrary, Claim 21 requires that in the copy mode, the content cells, the navigation data, and the at least one reproduction obstructing cell are copied from the storage medium onto a recordable record carrier.

The '523 patent is directed to a recording medium having navigation data and storing video data, wherein the video data is compressed into packs defined in MPEG, wherein a plurality of the packs are stored in a video object unit. Further, the '523 patent discloses that the video object unit includes a navigation pack that is placed at the beginning of a group of packs.

Applicants respectfully submit that the '523 patent fails to remedy the deficiencies of the '790 patent, as discussed above. In particular, the '523 patent fails to disclose any type of reproduction obstructing cell, and thus must also fail to disclose a reproduction obstructing cell that is an addressable unit of a stream of cells, which also includes content cells and navigation data, as required by amended Claim 21.

Further, Applicants respectfully submit that the '523 patent fails to disclose that, in a copy mode, in which the content cells, the navigation data, and the at least one reproduction obstructing cell are copied from the storage medium onto a recordable record carrier and the content cells are not accessed according to the navigation data, disturbed data access of reduced quality is provided, as recited in amended Claim 21. Applicants respectfully submit that the '523 patent is silent regarding this limitation, and has not been relied upon by the Office Action as disclosing this limitation.

Thus, no matter how the teachings of the '790 patent and '523 patents are combined, the combination does not teach or suggest a non-transitory storage medium having stored

³ See '790 patent, column 14, lines 11-14.

thereon data representing a stream of cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data, at least one of the cells of the stream being a reproduction obstructing cell physically stored before or after a linked content cell, the at least one reproduction obstructing cell forming part of the cells of the stream, as recited in amended Claim 21.

Further, no matter how the teachings of the '790 and the '523 patents are combined, the combination does not teach or suggest that the content cells, the navigation data, and at least one reproduction obstructing cell are arranged such that accessing the data on the storage medium in a copy mode, in which the content cells, navigation data, and the at least one reproduction obstructing cell are to be copied from the storage medium onto a recordable record carrier, provides disturbed data access of reduced quality, as recited in amended Claim 21.

Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 21 is rendered moot by the present amendment to that claim, or is otherwise traversed.

Independent Claim 30 recites limitations analogous to the limitations recited in Claim 21, and has been amended in a manner analogous to the amendment to Claim 21.

Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 30 (and all associated dependent claims) is rendered moot by the present amendment to Claim 30.

Amended Claim 39 is directed to a method for producing at least one copy of at least a portion of data stored on a first non-transitory storage medium, the first storage medium having stored thereon data representing a stream of cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data, the method comprising:
(1) linking the content cells in accordance with the navigation data, wherein to produce the at

least one copy, data representing the stream of cells is accessed in accordance with the navigation data, and wherein said accessed data is transferred as a copy to a second non-transitory storage medium; and (2) determining all reproduction obstructing cells physically stored before or after a linked content cell, and modifying or removing the determined reproduction obstructing cells such that the copy of the storage medium is not obstructed. Claim 39 has been amended to incorporate the limitation of Claim 40, which has been canceled. Accordingly, no new matter has been added.

Applicants respectfully submit that, no matter how the teachings of the '790 patent and the '523 patent are combined, the combination does not teach or suggest determining all reproduction obstructing cells physically stored before or after a linked content cell, and modifying or removing the determined reproduction obstructing cells such that the copy of the storage medium is not obstructed, as recited in amended Claim 39.

In this regard, Applicants note that regarding Claim 40, the Office Action cites to column 2, lines 64-67, column 3, lines 1-2, and column 10, lines 45-65 in the '790 patent as disclosing this limitation. However, Applicants note that these passages in the '790 patent merely disclose that "software may be distributed on a medium that includes a light sensitive material that provides a code allowing a user of the medium to access a portion of the data contained on the medium." For example, the medium may include a version of software that can be freely used and copied to other recording devices. Further, the passage in column 10 merely discloses an embodiment in which the presence of light sensitive material on a medium is used to determine that the medium is authorized for an installation process, so that upon installation of the software, the installation program is read from the medium. Further, the '790 patent discloses that the installation program includes instructions to verify that software to be installed is contained within an authorized medium.⁴

⁴ See the '790 patent, column 9, lines 56-58.

The '790 patent discloses that portions of the recording medium may be read within sectors in order to determine a first read cycle, and the installation program can instruct the medium to again read the same sectors in the same order during a second read cycle, and to compare the two signals generated during the first and second read cycles. Further, the '790 patent discloses that, based upon the comparison of the two signals, the installation program can determine whether the medium is an authentic medium or not.

However, Applicants respectfully submit that the above-described passages in the '790 patent are completely silent regarding determining all reproduction obstructing cells physically stored before or after a linked content cell, and modifying or removing the determined reproduction obstructing cells such that the copy of the storage medium is not obstructed, as recited in amended Claim 39.

Applicants respectfully submit that the '523 patent does not remedy the above-noted deficiency of the '790 patent, and has not been relied upon by the Office Action as disclosing this limitation. Accordingly, Applicants respectfully submit that the combined teachings of the '790 and '523 patents fail to disclose the determining step recited in Claim 39. Accordingly, Applicants respectfully submit that the rejection of Claim 39 is rendered moot by the present amendment to that claim.

Amended Claim 49 is directed to a non-transitory storage medium having stored thereon data representing a stream of cells, the cells being addressable units of the stream, the stream comprising content cells and navigation data, the content cells being linked in accordance with the navigation data, wherein the content cells and at least one of said navigation data are arranged such that accessing the data on the data carrier in a copy mode, in which the data are to be copied from the storage medium onto a recordable record carrier and the content cells are not copied in accordance with said navigation data, provides disturbed data access of reduced quality, whereas accessing the data on the data carrier in a

reproduction mode, in which the content cells are accessed in accordance with said navigation data, provides undisturbed access.

No matter how the teachings of the '790 and '523 patents are combined, the combination fails to teach or suggest that the content cells and at least one of the navigation data are arranged such that accessing the data on the data carrier in a copy mode, in which the data are to be copied from the storage medium onto a recordable record carrier and the content cells are not copied in accordance with the navigation data, provides disturbed data access of reduced quality.

In this regard, Applicants note that the Office Action appears to rely upon '790 column 3, lines 47-58 as disclosing this limitation. However, Applicants respectfully submit that this passage fails to disclose that, in the copy mode, the content cells are not copied in accordance with the navigation data, as required by Claim 49. In particular, Applicants note that column 3, lines 47-51 and 54-58 relate to reading, not to copying. In particular, regarding copying, the '790 patent merely discloses that light sensitive materials may not be copied.⁵ On the contrary, amended Claim 49 requires that the content cells are not copied in accordance with the navigation data in the copy mode.

For the reasons stated above, Applicants respectfully submit that the rejection of Claim 49 (and all associated dependent claims) is rendered moot by the present amendment to Claim 49, or is otherwise traversed.

Amended Claim 51 recites limitations analogous to the limitations recited in Claim 49, and has been amended in a manner analogous to the amendment to Claim 49. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 51 (and all associated dependent claims) is rendered moot by the present amendment to Claim 51, or is otherwise traversed.

⁵ See, e.g., the '790 patent, column 14, lines 11-16.

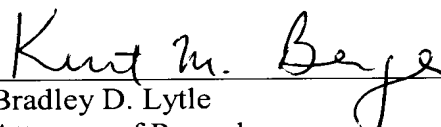
The present amendment also sets forth new dependent Claims 61-70 for examination on the merits. New Claims 61-70, which depend from either Claim 21 or Claim 30, are supported by the originally filed specification and do not add new matter.⁶

Thus, it is respectfully submitted that independent Claims 21, 30, 39, 49, and 51 (and all associated dependent claims) patentably define over any proper combination of the '790 and '523 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.


Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Kurt M. Berger, Ph.D.
Registration No. 51,461

⁶ See, e.g., original Claim 27; page 9, lines 29-31; page 16, lines 15-16; original Claim 36; and original Claims 26 and 35.